

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF ARKANSAS
JONESBORO DIVISION**

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT ARKANSAS

MAY 12 2016

JAMES W. MCCORMACK, CLERK
By:  **DEP. CLERK**

COURTNEY BEDFORD

PLAINTIFF

Case No. 3:14-CV-00115-KGB

**JOE BAKER, Captain, West Memphis Police
Department, In His Individual and
Official Capacity; BRENT BRADLEY,
Officer, West Memphis Police Department, In His
Individual and Official Capacity; ALAN DARETY,
Detective, West Memphis Police Department, In His
Individual and Official Capacity; DARELL HAYES,
Officer, West Memphis Police Department, In His
Individual and Official Capacity**

DEFENDANTS

SECOND AMENDED COMPLAINT

Comes now plaintiff Courtney Bedford (“plaintiff”) and for his Second Amended Complaint and his causes of action against Joe Baker, Captain, West Memphis Police Department, in his individual and official capacity; Brent Bradley, Officer, West Memphis Police Department, in his individual and official capacity; Alan Darety, Detective, West Memphis Police Department, in his individual and official capacity; and Darell Hayes, Officer, West Memphis Police Department, in his individual and official capacity (collectively “defendants”) does state:

INTRODUCTION

1. Plaintiff seeks damages against defendants for injuries sustained by him as a result of the violation of his rights under the United States Constitution.

JURISDICTION AND VENUE

2. This action is brought pursuant to 42 U.S.C. §§ 1983 and 1988, the Fourth Amendment to the United States Constitution, and 28 U.S.C. §§ 1331 and 1343. This Court has concurrent jurisdiction over these statutory and constitutional provisions.

3. Venue in the Eastern District of Arkansas is proper.

PARTIES

4. Plaintiff Courtney Bedford was at all material times a resident of Crittenden County, Arkansas.

5. The City of West Memphis is a municipality and the public employer of defendants Baker, Bradley, Darety, and Hayes.

6. Defendant officers Baker, Bradley, Darety, and Hayes were at all times relevant to this complaint duly appointed and acting officers of the police department of the City of West Memphis, Arkansas acting under color of law.

FACTS

7. On or about June 14, 2013, at approximately 9:02 p.m., detectives with the West Memphis Police Department arrested plaintiff in connection with the alleged sale of an unlawful substance.

8. The arrest was made outside of Room 206 at the Express Inn in West Memphis, Arkansas.

9. During the arrest, plaintiff was taken to the ground by one or more defendants.

10. During the arrest, and at a time when plaintiff was posing no threat to the safety of any defendant or himself as he was on the ground and either handcuffed or physically restrained, one or more defendants repeatedly kicked plaintiff in the mouth, knocking out his front teeth.

11. Previous to the incident complained of herein, plaintiff was arrested by officers of the West Memphis Police Department in regard to a controlled substance violation and during a forcible search of plaintiff's mouth, he bit the fingers of one of the arresting officers.

12. After knocking out plaintiff's teeth during his June 14, 2013 arrest, defendant Baker remarked to plaintiff that plaintiff would not be biting anyone else.

13. Plaintiff was transported to the Crittenden Regional Hospital for treatment after sustaining injuries caused by defendants.

COUNT I: EXCESSIVE USE OF FORCE IN VIOLATION OF 42 U.S.C. § 1983

14. Defendants, while acting under the color of law, subjected plaintiff to excessive, unreasonable, and unjustified force when they brought plaintiff to the ground during his arrest and kicked out his front teeth, all in violation of the Fourth Amendment prohibition against unreasonable seizure.

15. Defendants' actions were not reasonable under the circumstances, that is, when plaintiff was not fighting or otherwise presenting a danger to defendants or himself.

16. Plaintiff suffered more than a de minimis injury, that is, his front teeth were dislodged.

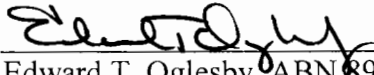
17. Defendants have violated the clearly established right against the use of excessive force during a seizure.

18. Plaintiff has suffered damages a result of defendants' actions, to wit, forcible extraction and damage to Plaintiff's oral cavity, missing teeth and pain and suffering.

19. The City of West Memphis, public employer of defendants, is liable for plaintiff's damages incurred as a result of defendants' actions as alleged herein.

WHEREFORE plaintiff requests judgment against defendants, each of them, jointly and severally; punitive damages; attorney's fees as allowed by law, including 42 U.S.C. § 1988; and any other relief to which he is entitled.

Respectfully submitted,

By: 
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CERTIFICATE OF SERVICE

I, Edward T. Oglesby do hereby certify that the foregoing pleading was filed with the Clerk of Court using the CM/ECF System this 12th day of May, 2016 with an CM/ECF electronic copy to the following attorney of record:

John L. Wilkerson
P.O. Box 38
301 W. 2nd Street
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Edward T. Oglesby